

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SALVATORE J. SOWELL,	:	Case No. 2:24-cv-4153
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Edmund A. Sargus, Jr.
	:	Magistrate Judge Kimberly A. Jolson
	:	
STATE OF OHIO, <i>et al</i> ,	:	
	:	
Defendants.	:	
	:	

REPORT AND RECOMMENDATION

On January 7, 2025, the Court denied Plaintiff's request to proceed *in forma pauperis* and ordered him to pay the filing fee within thirty days to commence this action. (Doc. 6 at 2–3). The Court also warned Plaintiff that should he fail to timely pay the fee, his case would be dismissed. (*Id.* at 3).

More than thirty days have passed, and Plaintiff has not paid the filing fee.¹ As such, the Undersigned **RECOMMENDS** that this case be **DISMISSED** for want of prosecution. *See, e.g., In re Alea*, 286 F.3d 378, 381–82 (6th Cir. 2002). The Undersigned also **RECOMMENDS** certifying that any appeal of this Order would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610–11 (6th Cir. 1997).

Procedure on Objections

If any party objects to this Report and Recommendation, that party may, **within fourteen (14) days** of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting

¹ Notably, instead of paying the filing fee in this action, Plaintiff seemingly filed a similar Complaint and moved for *in forma pauperis* status in a new action. *See Sowell v. United States of America, et al.*, Case. No. 2:25-cv-00003 (Jan. 3, 2025) (Doc. 1).

authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the Report or specific proposed findings or recommendations to which objection is made. Upon proper objection, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence, or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation *de novo* and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Date: February 18, 2025

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE